UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/08/2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

    4a) Of the above claim(s) *1-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11 have been cancelled. Claims 13, 14, 18, 20, 21 have been

amended. Claims 12, 15-17, 19 and 22 original.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by

Donnelly (US Pub. No. 2004/0223605).

As per claim 12, Donnelly discloses **a method for establishment of a**

communication link from a first telecommunication device to a second

telecommunication device via a telecommunication network, comprising

(Abstract, discloses a first communication terminal calling a second communication

terminal via a communications service)**:**

sending a connection establishment message (i.e. call set-up) **with a data object**

(i.e. alert descriptor) **to the telecommunication network allocated to a first**

subscriber (i.e. calling terminal) **to establish the communication link** (Paragraph

[0106], discloses distribution of alert descriptors may occur during call set-up.

Paragraph [0112-3], discloses a call set-up process between two terminals and where a

request for call establishment is received. Paragraph [0053], discloses that an alert

descriptor is associated with the calling terminal. Figure 1, illustrates terminals (14, 22)

connected via a communication network (24));

storing the data object (i.e. alert descriptor) **via the telecommunication network on**

a data provision component (i.e. alert management system) (Paragraph [0178],

discloses that alert descriptors are stored on an alert server associated with the

customized alert management system. Paragraph [0028], discloses that the alert server

is network accessible. Figure 1, illustrates network connection between the alert

management system and terminals);

transmitting a call signaling message from the telecommunication network to the

second telecommunication device (i.e. information received by the called terminal)

providing reference information (i.e. identity information) **which refers to the data**

provision component (i.e. alert management system) **on which the data object** (i.e.

alert descriptor) **of the first subscriber** (i.e. calling terminal) **has been stored**

(Paragraph [0044], discloses that the alert descriptor is associated with the calling

terminal. Paragraph [0189], discloses that the called terminal receives identity

information and server location of the alert descriptor from the alert management

system via the communications network);

signaling the data provision component (i.e. alert management system) **from the second telecommunication device** (i.e. called terminal) **by using the reference information** (i.e. identity information) **requesting that the data provision component** (i.e. alert management system) **transmit the data object** (i.e. alert descriptor) **to the second telecommunication device** (i.e. called terminal) **allocated to the first subscriber** (i.e. calling terminal) (Paragraph [0189], discloses the that called terminal receives identity information corresponding to the identity and location of the alert descriptor. The called terminal establishes a connection with the alert management system and requests the server to provide the appropriate alert descriptor. Paragraph [0044], discloses that the alert descriptor is associated with the calling terminal);

transmitting the data object (i.e. alert descriptor) **from the data provision component** (i.e. alert management system) **to the second telecommunication device** (i.e. called terminal) (Paragraph [0178], discloses that alert descriptors are stored on an alert server associated with the customized alert management system. Paragraph [0190], discloses a transfer of the alert descriptor from the alert server to the called terminal).

playing (i.e. activating) **the data object** (i.e. alert descriptor) **at the second telecommunication device** (Paragraph [0015], discloses that the second communications terminal activates an alert using the alert descriptor. Paragraph [0046],

discloses that an alert descriptor may be decoded by a terminal in order to play the

corresponding alert).

As per claim 13, Donnelly discloses **the method according to claim 12.**

Donnelly further disclose **wherein the telecommunication network has a first**

subnetwork to which the first telecommunication device (i.e. calling terminal) **has**

been allocated and a second subnetwork to which the second telecommunication

device (i.e. called terminal) **has been allocated, the first and second subnetworks**

being connected with each other via a switching component (i.e. entity/processing

logic) (Paragraph [0196], discloses that calling terminal and the called terminal can be

associated with distinct communication networks capable of supporting a connection

session between each other. Paragraph [0026], discloses an entity/processing logic

associated with a switch which establishes a call. Figure 1, illustrates processing logic

connecting the separate terminals via the communication network).

As per claim 14, Donnelly discloses **the method according to claim 13.**

Donnelly further discloses **wherein the switching component** (i.e. entity) **performs**

said storing and transmitting (Paragraph [0181], discloses that the entity forwards the

alert descriptor identity information to the alert management system. Paragraph [0178],

discloses that alert descriptors and identifiers are stored on an alert server associated

with the customized alert management system. Figure 1, illustrates a connection

between the alert management system, alert server, processing logic and the network).

As per claim 15, Donnelly discloses **the method according to claim 14.**
Donnelly further discloses **wherein the data provision component** (i.e. alert
management system) **is arranged on a network based on an Internet protocol and
connected to the switching component** (Paragraph [0178], discloses that alert
descriptors are stored on an alert server associated with the customized alert
management system. Paragraph [0189], disclose that the communication between a
terminal and the alert server may take place over an IP network. Figure 1, illustrates a
connection between the alert management system, alert server, processing logic and
the network).

As per claim 16, Donnelly discloses **the method according to claim 15.**
Donnelly further discloses **wherein the reference information has a uniform
resource identifier** (Uniform resource identifier is an identifier of the alert descriptor
that can be transmitted to the called terminal. Paragraph [0189], discloses that the
called terminal receives identity information corresponding to the identity and location of
the alert descriptor).

As per claim 17, Donnelly discloses **the method according to claim 16.**
Donnelly further discloses **wherein the second telecommunication device is in a
communication session in accordance with a session initiation protocol**
(Paragraph [0031], discloses that a communications terminal may be a SIP phone).

As per claim 18, Donnelly discloses **the method according to claim 17.**

Donnelly further discloses **wherein the switching component** (i.e. entity) **sends an**

INVITE message, as the call signaling message, to the second

telecommunication device (i.e. called terminal) **into which the reference**

information (i.e. identifier) **has been inserted** (Paragraph [0113], discloses an entity

sending a call set up request signal to the called terminal. Paragraph [0119], discloses

that the entity supplies the called terminal with alert descriptor identifiers. Paragraph

[0106], discloses distribution of alert descriptors may occur during call set-up).

As per claim 19, Donnelly discloses **the method according to claim 18.**

Donnelly further discloses **wherein the data object includes picture information,**

tone information and text information (Paragraph [0045], discloses that the alert

descriptor may encode sounds, images or other forms of multimedia).

As per claim 20, Donnelly discloses **the method according to claim 19.**

Donnelly further discloses **wherein at least one of the first and second**

telecommunication devices is one of a mobile radio device, a mobile telephone or

a computer with a radio module (Paragraph [0031], discloses that a terminal may be

a cellular mobile handset).

As per claim 21, Donnelly discloses **the method according to claim 20.**
Donnelly further discloses **wherein the telecommunication network includes a**
mobile radio network functioning according to one of a global system for mobile
communication standard or a universal mobile telecommunications system
standard (Paragraph [0151], discloses the use of the mobile network GSM.

As per claim 22, Donnelly discloses **a telecommunication system, comprising:**

a telecommunication network (Figure 1, illustrates a communication network);

a data provision component (i.e. alert management system), **connected to said**
telecommunication network (Figure 1, illustrates a alert management system connect
to a communication network);

and first and second telecommunication devices, said first telecommunication
device establishing a communication link to said second telecommunication
device via said telecommunication network (Figure 1, illustrates terminals (14, 22)
connected via a communication network (24)) **by sending a connection**
establishment message with a data object to said telecommunication network
allocated to a first subscriber to establish the communication link (Paragraph
[0106], discloses distribution of alert descriptors may occur during call set-up.
Paragraph [0112-3], discloses a call set-up process between two terminals and where a

request for call establishment is received. Paragraph [0053], discloses that an alert

descriptor is associated with the calling terminal),

said data provision component storing the data object (Paragraph [0178], discloses

that alert descriptors are stored on an alert server associated with the customized alert

management system),

said telecommunication network transmitting a call signaling message to said

second telecommunication device providing reference information which refers

to the data provision component on which the data object of the first subscriber

has been stored (Paragraph [0044], discloses that the alert descriptor is associated

with the calling terminal. Paragraph [0189], discloses that the called terminal receives

identity information and server location of the alert descriptor from the alert

management system via the communications network),

 said second telecommunication device signaling said data provision component

using the reference information, to request that said data provision component

transmit the data object to said second telecommunication device allocated to the

first subscriber (Paragraph [0189], discloses the that called terminal receives identity

information corresponding to the identity and location of the alert descriptor. The called

terminal establishes a connection with the alert management system and requests the

server to provide the appropriate alert descriptor. Paragraph [0044], discloses that the

alert descriptor is associated with the calling terminal),

said data provision component transmitting the data object to said second

telecommunication device and said second telecommunication device playing the

data object (Paragraph [0104] playing the alert, Paragraph [0178], discloses that alert

descriptors are stored on an alert server associated with the customized alert

management system. Paragraph [0190], discloses a transfer of the alert descriptor from

the alert server to the called terminal).

Response to Arguments

3.   Applicant's arguments filed 02/08/2009 have been fully considered but they are

not persuasive.

- Applicant argues that Donnelly teaches storing a data object (i.e. alert descriptor)

   are previously stored and therefore does not teach the following limitation:

sending a connection establishment message with a data object to the

telecommunication network allocated to a first subscriber to establish the

communication link; storing the data object via the telecommunication network

on a data provision component

   The claim language does not specify when the storing of the data object occurs,

therefore the claim was broadly interpreted to include storing the data object (i.e. alert

descriptor) prior to establishment message (i.e. call set-up) as taught by Donnelly,

Paragraph [0106]. Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Donnely, Paragraph [0106],

does teach the argued limitation.

- Applicant argues that Donnelly does not teach that the data object has been sent

   from the calling party and therefore does not teach the following limitation:

transmitting a call signaling message from the telecommunication network to the

second telecommunication device providing reference information which refers

to the data provision component on which the data object of the first subscriber

has been stored

   The claim language does not specify that the data object is sent from the first

subscriber (i.e. calling terminal). The claim language states **"...the data object <u>of</u> the**

first subscriber..." which is broadly interpreted to include a data object (i.e. alert

descriptor) which is associated with the first subscriber, as taught by Donnelly,

Paragraph [0110]. Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Donnely, Paragraphs [0187-

0188], which refer to the data object, does teach the argued limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JESSICA CLIFTON whose telephone number is

(571)270-7156. The examiner can normally be reached on Monday-Friday, 8:00 am-

5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patel, Jay can be reached on (571) 272-2988. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JESSICA CLIFTON/   /Alpus H. Hsu/
Examiner, Art Unit 2419   Primary Examiner, Art Unit 2419